

POLICY: Protection of an Individual's Rights

POLICY STATEMENT: It is the policy of the Bureau of Developmental Disabilities Services (BDDS) that an individual's rights shall not be violated and shall be protected under penalty of the law.

DETAILED POLICY STATEMENT

1. A Provider's owners, directors, officers, employees, contractors, subcontractors and agents shall not Abuse, Neglect, Exploit, or mistreat an Individual or otherwise violate an Individual's rights.
2. Misappropriation of an Individual's funds, included but not limited to requiring an Individual to pay for any service encompassed in the Individual's Individualized Support Plan (ISP) shall be considered a violation of Individual's rights.
3. A Provider who delivers services through owners, directors, officers, employees, contractors, subcontractors or agents shall adopt policies and procedures that prohibit:
 - a. Abuse, Neglect, or Exploitation of an Individual; or
 - b. violation of an Individual's rights.
4. Practices prohibited under this section include but are not limited to the following:
 - a. Corporal punishment inflicted by the application of painful stimuli to the body, which includes but is not limited to:
 - i. forced physical activity;
 - ii. hitting;
 - iii. pinching;
 - iv. the application of painful or noxious stimuli;
 - v. the use of electric shock; or
 - vi. the infliction of physical pain.
 - b. Seclusion by placing an Individual alone in a room or other area from which exit is prevented.
 - c. Verbal abuse, including screaming, swearing, name-calling, belittling, or other verbal activity that may cause damage to an Individual's self-respect or dignity.
 - d. A practice that denies an Individual any of the following without a physician's order:
 - i. Sleep.
 - ii. Shelter.
 - iii. Food.
 - iv. Drink.
 - v. Physical movement for prolonged periods of time.
 - vi. Medical care or treatment.
 - vii. Use of bathroom facilities.
 - e. Work or chores benefiting others without pay unless:

- i. the Provider has obtained a certificate from the United States Department of Labor authorizing the employment of workers with a disability at special minimum wage rates;
- ii. the services are being performed by an Individual in the Individual's own residence as a normal and customary part of housekeeping and maintenance duties; or
- iii. an Individual desires to perform volunteer work in the community.

DEFINITIONS

"Abuse" means:

1. Intentional or willful infliction of physical injury.
2. Unnecessary physical or chemical restraints or isolation.
3. Punishment with resulting physical harm or pain.
4. Sexual molestation, rape, sexual misconduct, sexual coercion, and sexual exploitation.
5. Verbal or demonstrative harm caused by oral or written language, or gestures with disparaging or derogatory implications.
6. Psychological, mental, or emotional harm caused by unreasonable confinement, intimidation, humiliation, harassment, threats of punishment, or deprivation.

"BDDS" means bureau of developmental disabilities services as created under IC 12-11-1.1-1.

"Exploitation" means:

1. unauthorized use of the personal services, the property, or the identity of an individual; or
2. any other type of criminal exploitation, including exploitation under IC 35-46-1-1;

for one's own profit or advantage, or for the profit or advantage of another.

"Neglect" means failure to provide supervision, training, appropriate care, food, medical care, or medical supervision to an individual.

REFERENCES

IC 12-9-2-3;
IC 12-11-1.1;
IC 16-27-2-5;
IC 31-33-22-1;
IC 35-42-1;
IC 35-42-4;
IC 35-43-4;
IC 35-46-1-12;
IC 35-46-1-13

Approved by: Julia Holloway, DDRS Director